

Tab A

matter are included in the Appendix to the IATSE Defendants Motion to Dismiss Complaint in the above-captioned matter at the tabs specified below.

5. Appendix Tab B

- a. NLRB Charge in Case No. 16-CB-169743 (Charge 1) [p. 6]
- b. Letter dated May 31, 2016 from Martha Kinard to Sandy Wesley Jones [pp. 7-8]
- c. Letter dated June 17, 2016 from Mark E. Arbesfeld to Sandy Wesley Jones [p. 9-10]
- d. Letter dated August 9, 2016 from Deborah M.P. Yaffe to Sandy Wesley Jones [pp. 11-12]
- e. Letter dated September 8, 2016 from Mark E. Arbesfeld to Sandy Wesley Jones [pp. 13-14]

6. Appendix Tab C

- a. NLRB charge in Case No. 16-CB-177604 (Charge 2) [p. 16]
- b. Letter dated September 29, 2016 from Martha Kinard to Sandy Wesley Jones [pp. 17-19]
- c. Letter dated October 21, 2016 from Mark E. Arbesfeld to Sandy Wesley Jones [pp. 20-21]
- d. Letter dated February 23, 2017 from Mark E. Arbesfeld to Sandy Wesley Jones [pp. 22-23]

7. Appendix Tab D

- a. NLRB charge in Case No. 16-CB-190082 (Charge 3) [p. 25]
- b. Letter dated March 28, 2017 from Martha Kinard to Sandy Wesley Jones [pp. 26-27]
- c. Letter dated April 25, 2017 from Mark E. Arbesfeld to Sandy Wesley

Jones [pp. 28-29]

- d. Letter dated May 30, 2017 from Mark E. Arbesfeld to Sandy Wesley Jones [pp. 30-31]
- e. Letter dated June 23, 2017 from Mark E. Arbesfeld to Sandy Wesley Jones [pp.32-33]

8. Appendix Tab E

- a. NLRB charge in Case No. 16-CB-193266 (Charge 4) [p. 35]
- b. Letter dated May 22, 2017 from Timothy L. Watson to Sandy Wesley Jones [pp. 36-38]
- c. Letter dated June 22, 2017 from Mark E. Arbesfeld to Sandy Wesley Jones [pp. 39-40]

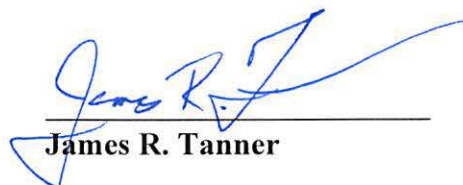
9. Appendix Tab F

- a. NLRB charge in Case No. 16-CB-195773 (Charge 5) [p. 42]
- b. Letter dated June 26, 2017 from Ofelia Gonzalez to Sandy Wesley Jones [pp. 43-44]
- c. Letter dated July 19, 2017 from Mark E. Arbesfeld to Sandy Wesley Jones [pp. 45-46]

10. Appendix Tab G - *Notice of Right to Sue* to Wesley S. Jones [p. 48]

The above statements are based on my personal knowledge, and I am competent to testify to the facts herein, all of which are true and correct. I declare under penalty of perjury in accordance with 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on July 28, 2017.


James R. Tanner

Tab B

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case	Date filed
		16-CB-169743	2/12/2016
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Alliance of Theatrical and Stage Employees, Local 126		b. Union Representative to Contact DeeDee Freeman	
c. Address PO Box 185178, Fort Worth, TX 76181-0178		d. Tel. No. (817)929-1926	e. Cell No.
		f. Fax No.	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection (2) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since about December 29, 2015, the above-named labor organization has refused to refer Sandy Wesley Jones for employment with the Fort Worth Stock Show and Rodeo for reasons other than the failure to tender uniformly required initiation fees and periodic dues.			
3. Name of Employer Fort Worth Stock Show and Rodeo		4a. Tel. No. (817)877-2406	4b. Cell No. (817)877-2406
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 3400 Burnett Tandy Dr, Fort Worth, TX 76107-3056		6. Employer representative to contact Shanna Weaver Publicity Manager	
7. Type of Establishment (factory, mine, wholesaler) Rodeo	8. Principal product or service Entertainment		9. Number of Workers employed 5
10. Full name of party filing charge Sandy Wesley Jones		11a. Tel. No. (817)896-2893	11b. Cell No. (817)896-2893
		11c. Fax No.	11d e-Mail emeraldmesa@yahoo.com
11. Address of party filing charge (street, city, state, and ZIP code) 2802 Reese Ln, Azle, TX 76020-1524			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: <u>SANDY WESLEY JONES</u>		Tel No.	
(signature of representative or person making charge)		(817)896-2893	
Sandy Wesley Jones		Cell No.	
Print/type name and title or office, if any		(817)896-2893	
Address: 2802 Reese Ln, Azle, TX 76020-1524		Date: FEB 12 2016	Fax No.
			e-Mail emeraldmesa@yahoo.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

1-1593024601



REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

May 31, 2016

MR. SANDY WESLEY JONES
2802 REESE LANE
AZLE, TX 76020-1524

Re: International Alliance of Theatrical and
Stage Employees, Local 126
(Fort Worth Stock Show and Rodeo)
Case No. 16-CB-169743

DEAR MR. JONES:

We have carefully investigated and considered your charge that **International Alliance of Theatrical And Stage Employees, Local 126** has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **June 14, 2016**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than June 13, 2016. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the **General Counsel in Washington D.C.** by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension

of time is **received on or before June 14, 2016**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **June 14, 2016, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

MARTHA KINARD
REGIONAL DIRECTOR

Enclosure

cc: MS. SHANNA WEAVER,
PUBLICITY MANAGER
FORT WORTH STOCK SHOW
AND RODEO
3400 BURNETT TANDY DRIVE
FORT WORTH, TX 76107-3056

MS. DEEDEE FREEMAN
INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE
EMPLOYEES, LOCAL 126
POST OFFICE BOX 185178
FORT WORTH, TX 76181-0178

MR. ROD TANNER, ATTORNEY
TANNER & ASSOCIATES, P.C.
6300 RIDGLEA PLACE, SUITE 407
FORT WORTH, TX 76116-5706



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

June 17, 2016

SANDY JONES
2802 REESE LN
FORT WORTH, TX 76020-1524

Re: International Alliance of Theatrical and
Stage Employees, Local 126 (Fort Worth
Stock Show and Rodeo)
Case 16-CB-169743

Dear Ms. Jones:

We have received your appeal and accompanying material. We will assign it for processing in accordance with Agency procedures, which include review of the investigatory file and your appeal in light of current Board law. We will notify you and all other involved parties as soon as possible of our decision.

In your appeal you reference Case 16-CB-177604. That case is still under investigation by the Region. As the charge in Case 16-CB-177604 has not been dismissed or deferred by the Region, you do not have a current appeal right in that case. Accordingly, your appeal is limited to Case 16-CB-169743.

Sincerely,

Richard F. Griffin, Jr.
General Counsel

By:

A handwritten signature in black ink that reads "Mark E. Arbesfeld".

Mark E. Arbesfeld, Acting Director
Office of Appeals

cc: MARTHA KINARD

DEEDEE FREEMAN

International Alliance of Theatrical and
Stage Employees, Local 126 (Fort Worth
Stock Show and Rodeo)
Case 16-CB-169743

-2

REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
819 TAYLOR ST RM 8A24
FORT WORTH, TX 76102-6107

ROD TANNER, ESQ.
TANNER & ASSOCIATES, PC
6300 RIDGLEA PL STE 407
FORT WORTH, TX 76116-5706

INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE
EMPLOYEES, LOCAL 126
PO BOX 185178
FORT WORTH, TX 76181-0178

SHANNA WEAVER
PUBLICITY MANAGER
FORT WORTH STOCK SHOW AND
RODEO
3400 BURNETT TANDY DR
FORT WORTH, TX 76107-3056

Kf



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

August 9, 2016

SANDY WESLEY JONES
2802 REESE LN
AZLE, TX 76020-1524

Re: International Alliance of Theatrical and
Stage Employees, Local 126
(Fort Worth Stock Show and Rodeo)
Case 16-CB-169743

Dear Ms. Jones:

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied. Contrary to your contentions on appeal, there was insufficient evidence to establish that the Union violated the National Labor Relations Act, as alleged, by failing to refer you to the Fort Worth Stock Show and Rodeo.

Although you allege that the Union did not refer you because you were a whistle blower, there was insufficient evidence to substantiate your claim. Rather, the evidence established that the Union did not refer you to the rodeo assignment because you were repeatedly warned not to take photographs in previous assignments and you neglected to heed these warnings. Moreover, since the Union operates a non-exclusive hiring hall and individuals may obtain employment by applying directly to employers, the duty of fair representation generally does not attach because the union lacked the power to put jobs out of reach of any employee. See *Carpenters Local 537 (E.I. du Pont)*, 419, 420 (1991). Notwithstanding this, there was insufficient evidence to establish that the Union was motivated by invidious, arbitrary or discriminatory considerations, rather than by the complaints of a hiring hall client. See, *Vaca v. Sipes*, 386 US 171 (1967).

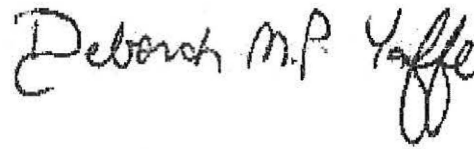
With respect to your contention on appeal that you suspect the Union was involved in a conspiracy against you, there was insufficient evidence to substantiate your claim. It is well established that "mere suspicion cannot substitute for proof of an unfair labor practice." *Kings Terrace Nursing and Health Related Facility*, 229 NLRB 1180 (1977).

Finally, regarding your request for a hearing, this Agency does not issue a complaint or order a hearing unless there is a reasonable probability that a violation of the Act occurred. After investigating this matter, we concluded that there was no reasonable probability of finding a violation.

As nothing further raised on appeal warrants a conclusion contrary to that of the
Regional Director, further proceedings are unwarranted.

Sincerely,

Richard F. Griffin, Jr.
General Counsel



By:

Deborah M.P. Yaffe, Director
Office of Appeals

cc: MARTHA KINARD
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
REGION 16
819 TAYLOR ST RM 8A24
FORT WORTH, TX 76102-6107

DEEDEE FREEMAN
INTERNATIONAL ALLIANCE OF
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EMPLOYEES, LOCAL 126
PO BOX 185178
FORT WORTH, TX 76181-0178

SHANNA WEAVER
PUBLICITY MANAGER
FORT WORTH STOCK SHOW AND
RODEO
3400 BURNETT TANDY DR
FORT WORTH, TX 76107-3056

ROD TANNER, ESQ.
TANNER & ASSOCIATES, PC
6300 RIDGLEA PL STE 407
FORT WORTH, TX 76116-5706

kf



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

September 8, 2016

SANDY WESLEY JONES
2802 REESE LN
AZLE, TX 76020-1524

Re: International Alliance of Theatrical and
Stage Employees, Local 126 (Fort Worth
Stock Show and Rodeo)
Case 16-CB-169743

Dear Ms. Jones:

We must reject your request for reconsideration of our decision denying your appeal as untimely filed. Section 102.19(c) of the Board's *Rules and Regulations* provides in pertinent part:

A motion for reconsideration of the decision must be filed within 14 days of service of the decision, except as hereinafter provided, and shall state with particularity the error requiring reconsideration. A motion for reconsideration based upon newly discovered evidence which has become available only since the decision on appeal shall be filed promptly on discovery of such evidence.

Accordingly, since we received your motion on September 6, 2016 and it was mailed on or after August 29, 2016, more than 14 days after our decision of August 9, 2016 and nothing in your motion constituted "newly discovered evidence" within the meaning of Section 102.19(c), we consider this matter closed.

Sincerely,

Richard F. Griffin, Jr.
General Counsel

A handwritten signature in black ink that reads "Mark E. Arbesfeld". The signature is written in a cursive, slightly slanted style.

By:

Mark E. Arbesfeld, Deputy Director
Office of Appeals

cc: MARTHA KINARD
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
819 TAYLOR ST RM 8A24
FORT WORTH, TX 76102-6107

SHANNA WEAVER
PUBLICITY MANAGER
FORT WORTH STOCK SHOW AND
RODEO
3400 BURNETT TANDY DR
FORT WORTH, TX 76107-3056

DEEDEE FREEMAN
INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE
EMPLOYEES, LOCAL 126
P.O. BOX 185178
FORT WORTH, TX 76181-0178

ROD TANNER, ESQ.
TANNER & ASSOCIATES, PC
6300 RIDGLEA PL STE 407
FORT WORTH, TX 76116-5706

kf

Tab C

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		16-CB-177604	6-1-2016
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name International Alliance of Theatrical and Stage Employees, Local 126		b. Union Representative to Contact Molly Faulk President	
c. Address PO Box 185178, Fort Worth, TX 76181		d. Tel. No. (817)296-6030	e. Cell No.
		f. Fax No.	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
Since about February 2016, the above-named labor organization has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by harassing member Sandy Wesley Jones in retaliation for filing charges with the National Labor Relations Board.			
3. Name of Employer Bass Music Hall (Mamma Mia Production)		4a. Tel. No. (817) 212-4300	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 525 Commerce St, Fort Worth, TX 76102		6. Employer representative to contact Steve Pruitt WS	
7. Type of Establishment (factory, mine, wholesaler) Performing Arts Hall	8. Principal product or service Entertainment		9. Number of Workers employed 30
10. Full name of party filing charge Sandy Wesley Jones		11a. Tel. No. (817)896-2893	11b. Cell No. (817)896-2893
		11c. Fax No.	11d e-Mail emeraldmesa@yahoo.com
11. Address of party filing charge (street, city, state, and ZIP code) 2802 Reese Ln, Azle, TX 76020			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: <u>SANDY WESLEY JONES</u>		Tel No.	
(signature of representative or person making charge)		Sandy Wesley Jones (817)896-2893	
		Print/type name and title or office, if any Cell No. (817)896-2893	
Address: 2802 Reese Ln, Azle, TX 76020		Date: 6-1-16	Fax No.
			e-Mail emeraldmesa@yahoo.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
 PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

1-1691479501



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

September 29, 2016

MR. SANDY WESLEY JONES
2802 REESE LANE
AZLE, TX 76020

Re: International Alliance of Theatrical and
Stage Employees, Local 126
(Bass Music Hall
(Mamma Mia Production))
Case No. 16-CB-177604

DEAR MR. JONES:

We have carefully investigated and considered your charge that **International Alliance of Theatrical and Stage Employees, Local 126** has violated the National Labor Relations Act.

Decision to Dismiss: Your charge alleges that since about February 2016, the Union has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by harassing you in retaliation for filing charges with the Board, in violation of Section 8(b)(1)(A) of the Act.

In support of the charge, you presented evidence of incidents which you alleged to be harassment by Union agents.. The evidence shows that the productions during which these incidents occurred were with employers that have a non-exclusive hiring hall arrangement with the Union. As such, the Union does not have a duty of fair representation in the operation of their hiring hall or in representing employees at those productions.

Although you previously filed a charge against the Union with the Board, there is no evidence the Union retaliated against you for filing that charge or for engaging in any other protected, concerted activity. The Union has investigated several of these incidents and issued discipline to you and other members for violation of the Union's rules based on those investigations. The Union took these actions for legitimate, non-discriminatory, disciplinary reasons.

There is no evidence that your employment opportunities with employers that have an exclusive hiring hall arrangement with the Union have been impacted by the alleged harassment. Rather, the evidence shows that you have declined certain employment opportunities, including with employers that have an exclusive hiring hall arrangement. The Union did not violate the Act in accepting your decision to decline these employment opportunities.

For the reasons stated above, I am refusing to issue a Complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **October 13, 2016**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than October 12, 2016. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the **General Counsel in Washington D.C.** by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before October 13, 2016**. The request may be filed electronically through the **E-File Documents** link on our website www.nlrb.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **October 13, 2016, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA

to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

MARTHA KINARD
REGIONAL DIRECTOR

Enclosure

cc: MR. STEVE PRUITT
BASS MUSIC HALL
(MAMMA MIA PRODUCTION)
525 COMMERCE STREET
FORT WORTH, TX 76102

MS. MOLLY FAULK, PRESIDENT
INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE
EMPLOYEES, LOCAL 126
POST OFFICE BOX 185178
FORT WORTH, TX 76181

MR. ROD TANNER, ATTORNEY
TANNER & ASSOCIATES, P.C.
6300 RIDGLEA PLACE, SUITE 407
FORT WORTH, TX 76116-5706



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

October 21, 2016

SANDY WESLEY JONES
2802 REESE LN
AZLE, TX 76020

Re: International Alliance of Theatrical and
Stage Employees, Local 126 (Bass Music
Hall (Mamma Mia Production))
Case 16-CB-177604

Dear Mr. Jones:

We have received your appeal and accompanying material. We will assign it for processing in accordance with Agency procedures, which include review of the investigatory file and your appeal in light of current Board law. We will notify you and all other involved parties as soon as possible of our decision.

On your appeal form you also list Case 16-CB-169743. The appeal in that case was denied by letter dated August 9, 2016 and your motion for reconsideration of the appeal was denied by letter dated September 8, 2016. As such you do not have an appeal right in Case 16-CB-169743. While this case may be reviewed for background purposes, your appeal is limited to Case 16-CB-177604.

Sincerely,

Richard F. Griffin, Jr.
General Counsel

A handwritten signature in black ink that reads "Mark E. Arbesfeld". The signature is written in a cursive, flowing style.

By: _____
Mark E. Arbesfeld, Acting Director
Office of Appeals

cc: MARTHA KINARD
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
819 TAYLOR ST RM 8A24
FORT WORTH, TX 76102-6107

STEVE PRUITT
BASS MUSIC HALL
(MAMMA MIA PRODUCTION)
525 COMMERCE ST
FORT WORTH, TX 76102

MOLLY FAULK, PRESIDENT
INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE
EMPLOYEES, LOCAL 126
PO BOX 185178
FORT WORTH, TX 76181

ROD TANNER, ESQ.
TANNER & ASSOCIATES, PC
6300 RIDGLEA PL STE 407
FORT WORTH, TX 76116-5706

cl



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

February 23, 2017

SANDY WESLEY JONES
2802 REESE LN
AZLE, TX 76020

Re: International Alliance of Theatrical and Stage
Employees, Local 126 (Bass Music Hall)
(Mamma Mia Production)
Case 16-CB-177604

Dear Mr. Jones:

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of September 29, 2016. In that regard, notwithstanding your assertions and arguments made on appeal, we concluded that a departure from the Regional Director's decision was not warranted.

The Region's investigation revealed insufficient evidence to prove that you were harassed or retaliated against for filing previous charges with this Agency or for any other protected activity in which you may have engaged. The investigation instead disclosed that the complained-of actions occurred in response to perceived questions and concerns about your job performance. Moreover, and as stated by the Regional Director regarding the incident involving the alleged physical altercation, the investigation disclosed that the other individual involved was also disciplined. This discipline was issued after both of you had the opportunity to present evidence before the Union's E-Board. Therefore, we could not conclude that the Union discriminated against you or otherwise applied its hiring hall discipline rules in a disparate manner.

Finally, the appeal questions the adequacy of the Regional Office's investigation. A review of the scope and contents of the investigatory record, however, disclosed that the Regional Office investigation was conducted in accordance with the procedures applicable to all cases and was adequate to resolve the issues presented.

The evidence in its entirety, however, was insufficient to establish that the Union violated the Act, as alleged.

Sincerely,

Richard F. Griffin, Jr.
General Counsel



By:

Mark E. Arbesfeld, Acting Director
Office of Appeals

cc: MARTHA KINARD
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
819 TAYLOR ST RM 8A24
FORT WORTH, TX 76102-6107

STEVE PRUITT
BASS MUSIC HALL
(MAMMA MIA PRODUCTION)
525 COMMERCE ST
FORT WORTH, TX 76102

ROD TANNER, ESQ.
TANNER & ASSOCIATES, PC
6300 RIDGLEA PL STE 407
FORT WORTH, TX 76116-5706

MOLLY FAULK, PRESIDENT
INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE
EMPLOYEES, LOCAL 126
PO BOX 185178
FORT WORTH, TX 76181

kf

Tab D

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case 16-CB-190082	Date filed 12/16/2016
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name INTERNATIONAL ALLIANCE OF THEATRICAL AND STAGE EMPLOYEES, LOCAL 126		b. Union Representative to Contact MOLLY FAULK PRESIDENT	
c. Address PO BOX 185178, FORT WORTH, TX 76181		d. Tel. No. (817)296-6030	e. Cell No.
		f. Fax No.	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since about October 31, the above-named labor organization, by Terry Behle, has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by causing him to be dismissed from a hiring hall call for reasons that were arbitrary, discriminatory or in bad faith.</p>			

3. Name of Employer BASS MUSIC HALL		4a. Tel. No.	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 525 COMMERCE ST, FORT WORTH, TX 76102		6. Employer representative to contact STEVE PRUITT	
7. Type of Establishment (factory, mine, wholesaler) Performing Arts Hall	8. Principal product or service Entertainment		9. Number of Workers employed 30
10. Full name of party filing charge SANDY WESLEY JONES		11a. Tel. No. (817)896-2893	11b. Cell No. (817)896-2893
		11c. Fax No.	11d. e-Mail emeraldmesa@yahoo.com
11. Address of party filing charge (street, city, state, and ZIP code) 2802 REESE LN, AZLE, TX 76020			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: SANDY WESLEY JONES		Tel. No.	
SANDY WESLEY JONES		(817)896-2893	
(signature of representative or person making charge)		Cell No. (817)896-2893	
Address: 2802 REESE LN, AZLE, TX 76020		Date: 12-16-16	Fax No.
			e-Mail emeraldmesa@yahoo.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
 PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



Case 4:17-cv-01413-AT Document 1-1 Filed 07/28/17 Page 26 of 49 PageID 123
UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

March 28, 2017

MR. SANDY WESLEY JONES
2802 REESE LANE
AZLE, TX 76020-1524

Re: International Alliance of Theatrical and Stage
Employees, Local 126 (Bass Music Hall)
Case No. 16-CB-190082

DEAR MR. JONES:

We have carefully investigated and considered your charge that **International Alliance of Theatrical and Stage Employees, Local 126** has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal **MAY NOT** be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on **April 11, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than April 10, 2017. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the **General Counsel in Washington D.C.** by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is received on or before **April 11, 2017**. The request may be filed electronically

through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **April 11, 2017, even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

MARTHA KINARD
REGIONAL DIRECTOR

Enclosure

cc: MS. MOLLY FAULK, PRESIDENT
INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE
EMPLOYEES, LOCAL 126
POST OFFICE BOX 185178
FORT WORTH, TX 76181-0178

MR. ROD TANNER, ATTORNEY
TANNER & ASSOCIATES, P.C.
6300 RIDGLEA PLACE, SUITE 407
FORT WORTH, TX 76116-5706

MR. STEVE PRUITT
BASS MUSIC HALL
525 COMMERCE STREET
FORT WORTH, TX 76102



UNITED STATES GOVERNMENT

NATIONAL LABOR RELATIONS BOARD

OFFICE OF THE GENERAL COUNSEL

Washington, DC 20570

April 25, 2017

SANDY WESLEY JONES
2802 REESE LN
AZLE, TX 76020-1524

Re: International Alliance of Theatrical and
Stage Employees, Local 126 (Bass Music
Hall)
Case 16-CB-190082

Dear Ms. Jones:

We have received your appeal and accompanying material. We will assign it for processing in accordance with Agency procedures, which include review of the investigatory file and your appeal in light of current Board law. We will notify you and all other involved parties as soon as possible of our decision.

In your supporting documents you also caption and reference Case 16-CB-177604. Our records indicate that by letter dated February 23, 2017 your appeal in that case was denied and you presently have a pending motion for reconsideration in Case 16-CB-177604. Therefore, while that case can be reviewed for background purposes your appeal in this matter is limited to Case 16-CB-190082.

Sincerely,

Richard F. Griffin, Jr.
General Counsel

By:

Mark E. Arbesfeld, Acting Director
Office of Appeals

cc: MARTHA KINARD
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
819 TAYLOR ST RM 8A24
FORT WORTH, TX 76102-6107

MOLLY FAULK, PRESIDENT
INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE
EMPLOYEES, LOCAL 126
PO BOX 185178
FORT WORTH, TX 76181-0178

STEVE PRUITT
BASS MUSIC HALL
525 COMMERCE ST
FORT WORTH, TX 76102

ROD TANNER, ESQ.
TANNER & ASSOCIATES, PC
6300 RIDGLEA PL STE 407
FORT WORTH, TX 76116-5706

kh



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

May 30, 2017

SANDY WESLEY JONES
2802 REESE LN
AZLE, TX 76020-1524

Re: International Alliance of Theatrical and
Stage Employees, Local 126
(Bass Music Hall)
Case 16-CB-190082

Dear Ms. Jones:

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied. Your charge alleged that the Union unlawfully removed you from a hiring call for arbitrary and discriminatory reasons in violation of Section 8(b)(1)(A) of the National Labor Relations Act (Act). We have determined that the evidence was insufficient to establish that the Union removed you from the call because of any protected activity in which you may have engaged. Rather, the evidence revealed that you were removed due to reports of poor performance and work misconduct.

In addition, the investigation disclosed that following your removal, you were invited to respond to the allegations against you during a scheduled E-Board meeting, and that you declined that invitation. As a result, on December 4, 2016, the Union sent you a letter indicating that you were being removed from the work roster for failing to comply with required conditions related to the incident. In these circumstances, we could not conclude that the Union violated Section 8(b)(1)(A) of the Act, as alleged.

In your appeal, you raise issues related to allegations in Case No. 16-CB-177604. Those issues, however, are not properly before this office for review and a determination in conjunction with the present case.

While you questioned the adequacy of the investigation, a review of the Regional Office file reflected that this case was investigated in accordance with the procedures applicable to all cases and was adequate to resolve the issues presented by the charge. The evidence in its entirety, however, was insufficient to support a finding that the Union violated the Act, as alleged.

Finally, to the extent you are contending that you were denied access to the statements made by the Union during the Region's investigation of this matter, please be advised that this

International Alliance of Theatrical and
Stage Employees, Local 126
(Bass Music Hall)
Case 16-CB-190082

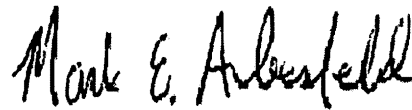
-2

Agency does not provide such statements during the investigation of a case. If you wish to obtain any documents from this Agency, you must file a request pursuant to the Freedom of Information Act (FOIA). Section 102.117 of the Board's *Rules and Regulations* sets forth the Board's procedures for making such a request. The procedures provide, in part, that requests for records, documents, etc., must be in writing and reasonably describe the material sought. You may send the request to the Agency's Freedom of Information Officer at the above address. Your request must contain a statement assuming financial liability in full or to a specified amount for the cost of the search for the requested material, review, and duplication. The request may be filed electronically at www.nlr.gov using the E-FOIA Request Form.

Accordingly, further proceedings on the captioned matter are unwarranted.

Sincerely,

Richard F. Griffin, Jr.
General Counsel



By:

Mark E. Arbesfeld, Acting Director
Office of Appeals

cc: MARTHA KINARD
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
819 TAYLOR ST RM 8A24
FORT WORTH, TX 76102-6107

STEVE PRUITT
BASS MUSIC HALL
525 COMMERCE ST
FORT WORTH, TX 76102

MOLLY FAULK, PRESIDENT
INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE
EMPLOYEES LOCAL 126
PO BOX 185178
FORT WORTH, TX 76181-0178

ROD TANNER, ESQ.
TANNER & ASSOCIATES PC
6300 RIDGLEA PL STE 407
FORT WORTH, TX 76116-5706

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

CORRECTED COPY

June 23, 2017

SANDY WESLEY JONES
2802 REESE LN
AZLE, TX 76020-1524

Re: International Alliance of Theatrical and
Stage Employees, Local 126
(Bass Music Hall)
Case 16-CB-190082

Dear Mr. Jones:

We have received your motion for reconsideration in the captioned case. Please note that our processing of your motion requires us to disregard the purported copyright restrictions placed on your motion and any related documents. If this is unacceptable to you, please promptly withdraw your motion. In the event that you do not withdraw your motion, we will assign it for processing in accordance with Agency procedures, which include review of the investigatory file and your motion in light of current Board law. We will notify you and all other involved parties as soon as possible of our decision.

Sincerely,

Richard F. Griffin, Jr.
General Counsel

A handwritten signature in black ink that reads "Mark E. Arbesfeld". The signature is written in a cursive, flowing style.

By:

Mark E. Arbesfeld, Acting Director
Office of Appeals

cc: MARTHA KINARD
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
819 TAYLOR ST RM 8A24
FORT WORTH, TX 76102-6107



STEVE PRUITT
BASS MUSIC HALL
525 COMMERCE ST
FORT WORTH, TX 76102

MOLLY FAULK, PRESIDENT
INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE
EMPLOYEES LOCAL 126
PO BOX 185178
FORT WORTH, TX 76181-0178

ROD TANNER, ESQ.
TANNER & ASSOCIATES PC
6300 RIDGLEA PL STE 407
FORT WORTH, TX 76116-5706

kf

Tab E

UNITED STATES OF AMERICA		DO NOT WRITE IN THIS SPACE	
NATIONAL LABOR RELATIONS BOARD		Case	Date filed
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		16-CB-193266	2-14-2017
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name INTERNATIONAL ALLIANCE OF THEATRICAL AND STAGE EMPLOYEES, LOCAL 126		b. Union Representative to Contact MOLLY FAULK PRESIDENT	
c. Address PO BOX 185178, FORT WORTH, TX 76181		d. Tel. No. (817)296-6030	e. Cell No.
		f. Fax No.	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since about the past six months, the above-named labor organization, has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by refusing to process the grievance(s) of Sandy Wesley Jones for arbitrary or discriminatory reasons or in bad faith.</p>			
3. Name of Employer BASS MUSIC HALL		4a. Tel. No.	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code) 525 COMMERCE ST, FORT WORTH, TX 76102		6. Employer representative to contact STEVE PRUITT	
7. Type of Establishment (factory, mine, wholesaler) Performing Arts Hall	8. Principal product or service Entertainment		9. Number of Workers employed 30
10. Full name of party filing charge SANDY WESLEY JONES		11a. Tel. No. (817)896-2893	11b. Cell No. (817)896-2893
		11c. Fax No.	11d e-Mail emeraldmesa@yahoo.com
11. Address of party filing charge (street, city, state, and ZIP code) 2802 REESE LN, AZLE, TX 76020			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: 	 SANDY WESLEY JONES		Tel No. (817)896-2893
(signature of representative or person making charge)	Print/type name and title or office, if any		Cell No. (817)896-2893
Address: 2802 REESE LN, AZLE, TX 76020		Date: 2-14-17	Fax No.
			e-Mail emeraldmesa@yahoo.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

Case 4:17-cv-00403-Y Document 10-1 Filed 07/28/17 Page 36 of 49 PageID 133

May 22, 2017

MR. SANDY WESLEY JONES
2802 REESE LANE
AZLE, TX 76020-1524

Re: International Alliance of Theatrical and
Stage Employees, Local 126
(Bass Music Hall)
Case No. 16-CB-193266

DEAR MR. JONES:

We have carefully investigated and considered your charge that **International Alliance of Theatrical and Stage Employees, Local 126** has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlrb.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlrb.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **June 5, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later

than June 4, 2017. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the **General Counsel in Washington D.C.** by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before June 5, 2017.** The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **June 5, 2017, even if it is postmarked or given to the delivery service before the due date.** Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

TIMOTHY L. WATSON
ACTING REGIONAL DIRECTOR

Enclosure

cc: MS. MOLLY FAULK, PRESIDENT
INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE
EMPLOYEES, LOCAL 126
POST OFFICE BOX 185178
FORT WORTH, TX 76181-0178

MR. STEVE PRUITT
BASS MUSIC HALL
525 COMMERCE STREET
FORT WORTH, TX 76102

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

International Alliance of Theatrical and Stage Employees, Local 126

Case Name(s).

Case No. 16-CB-193266

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

NATIONAL LABOR RELATIONS BOARD



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

June 22, 2017

SANDY WESLEY JONES
2802 REESE LN
AZLE, TX 76020-1524

Re: International Alliance of Theatrical and
Stage Employees, Local 126
(Bass Music Hall)
Case 16-CB-193266

Dear Ms. Jones:

We have received your appeal and accompanying material. We will assign it for processing in accordance with Agency procedures, which include review of the investigatory file and your appeal in light of current Board law. We will notify you and all other involved parties as soon as possible of our decision.

Sincerely,

Richard F. Griffin, Jr.
General Counsel

A handwritten signature in dark ink that reads "Mark E. Arbesfeld". The signature is written in a cursive, slightly slanted style.

By:

Mark E. Arbesfeld, Acting Director
Office of Appeals

cc: TIM WATSON
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
819 TAYLOR ST RM 8A24
FORT WORTH, TX 76102-6107

MOLLY FAULK, PRESIDENT
INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE
EMPLOYEES, LOCAL 126
PO BOX 185178
FORT WORTH, TX 76181-0178

International Alliance of Theatrical and
Stage Employees, Local 126
(Bass Music Hall)
Case 16-CB-193266

-2

STEVE PRUITT
BASS MUSIC HALL
525 COMMERCE ST
FORT WORTH, TX 76102

kf

Tab F

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD		DO NOT WRITE IN THIS SPACE	
CHARGE AGAINST LABOR ORGANIZATION OR ITS AGENTS		Case	Date filed
		16-CB-195773	3/24/2017
INSTRUCTIONS: File an original of this charge with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.			
1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name INTERNATIONAL ALLIANCE OF THEATRICAL AND STAGE EMPLOYEES, LOCAL 126		b. Union Representative to Contact MOLLY FAULK PRESIDENT	
c. Address PO BOX 185178, FORT WORTH, TX 76181		d. Tel. No. (817)296-6030	e. Cell No.
		f. Fax No.	g. e-Mail
h. The above-named labor organization or its agents have engaged in and are engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>Since about the past six months, the above-named labor organization, has restrained and coerced employees in the exercise of rights protected by Section 7 of the Act by removing Sandy Wesley Jones from its hiring hall referral list for arbitrary or discriminatory reasons or in bad faith.</p> <p style="text-align: center;">RETALIATION</p>			
3. Name of Employer		4a. Tel. No.	4b. Cell No.
		4c. Fax No.	4d. e-Mail
5. Location of Plant involved (street, city, state, and ZIP code)		6. Employer representative to contact	
7. Type of Establishment (factory, mine, wholesaler)	8. Principal product or service		9. Number of Workers employed
10. Full name of party filing charge SANDY WESLEY JONES		11a. Tel. No. (817)896-2893	11b. Cell No. (817)896-2893
		11c. Fax No.	11d. e-Mail emeraldmesa@yahoo.com
11. Address of party filing charge (street, city, state, and ZIP code) 2802 REESE LN, AZLE, TX 76020			
12. DECLARATION			
I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.			
By: <u>SANDY WESLEY JONES</u>		Tel No.	
(signature of representative or person making charge)		(817)896-2893	
SANDY WESLEY JONES		Cell No.	
Print/type name and title or office, if any		(817)896-2893	
Address: 2802 REESE LN, AZLE, TX 76020		Date: 3-24-17	Fax No.
			e-Mail emeraldmesa@yahoo.com

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 Taylor Street, Room 8A24
Fort Worth, TX 76102-6107

Agency Website: www.nlr.gov
Telephone: (817)978-2921
Fax: (817)978-2928

June 26, 2017

MR. SANDY WESLEY JONES
2802 REESE LANE
AZLE, TX 76020-1524

Re: International Alliance of Theatrical and
Stage Employees, Local 126
Case No. 16-CB-195773

DEAR MR. JONES:

We have carefully investigated and considered your charge that **International Alliance of Theatrical and Stage Employees, Local 126** has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge because there is insufficient evidence to establish a violation of the Act.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **July 10, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than July 9, 2017. **If an appeal is postmarked or given to a delivery service on the due date,**

it will be rejected as untimely. If hand delivered, an appeal must be received by the **General Counsel in Washington D.C.** by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is received on or before **July 10, 2017**. The request may be filed electronically through the ***E-File Documents*** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **July 10, 2017**, even if it is postmarked or given to the delivery service before the due date. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

OFELIA GONZALEZ
ACTING REGIONAL DIRECTOR

Enclosure

cc: MS. MOLLY FAULK, PRESIDENT
INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE
EMPLOYEES, LOCAL 126
POST OFFICE BOX 185178
FORT WORTH, TX 76181-0178

MR. ROD TANNER, ATTORNEY
TANNER & ASSOCIATES, P.C.
6300 RIDGLEA PLACE, SUITE 407
FORT WORTH, TX 76116-5706



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

July 19, 2017

SANDY WESLEY JONES
2802 REESE LN
AZLE, TX 76020-1524

Re: International Alliance of Theatrical and
Stage Employees, Local 126 (No Employer
Named)
Case 16-CB-195773

Dear Mr. Jones:

We have received your appeal and accompanying material. We will assign it for processing in accordance with Agency procedures, which include review of the investigatory file and your appeal in light of current Board law. We will notify you and all other involved parties as soon as possible of our decision.

Sincerely,

Richard F. Griffin, Jr.
General Counsel

A handwritten signature in black ink that reads "Mark E. Arbesfeld".

By:

Mark E. Arbesfeld, Acting Director
Office of Appeals

cc: TIMOTHY L. WATSON
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
819 TAYLOR ST RM 8A24
FORT WORTH, TX 76102-6107

ROD TANNER, ESQ.
TANNER & ASSOCIATES, PC
6300 RIDGLEA PL STE 407
FORT WORTH, TX 76116-5706

MOLLY FAULK, PRESIDENT
INTERNATIONAL ALLIANCE OF
THEATRICAL AND STAGE
EMPLOYEES, LOCAL 126
PO BOX 185178
FORT WORTH, TX 76181-0178

cl

Tab G

To: **Wesley S. Jones**
2802 Reese Lane
Azle, TX 76020

From: **Dallas District Office**
207 S. Houston St.
3rd Floor
Dallas, TX 75202



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

450-2017-01716

William C. Harrison,
Investigator

(214) 253-2744

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Shirley A. Richardson,
District Director

FEB 23 2017

(Date Mailed)

Enclosures(s)

CC:

IATSE Local 126
Attn: Diane Freeman, Business Agent
P.O. Box 185178
Fort Worth, TX 76181

Certificate of Service

In accordance with Fed. R. Civ. P. 5(b) and N.D. Tex. Local Rule 5.1, the undersigned attorney certifies that on July 28, 2017, a copy of the foregoing document was served on the Plaintiff, *pro se*, via electronic mail and U.S. First Class Mail at the addresses shown below.

J. Wesley (Sandy) Jones
2802 Reese Lane
Azle, Texas 76020
emeraldemesa@yahoo.com

/s/ Rod Tanner
Rod Tanner